

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01872-EGS

BALDWIN v. U.S. DEPARTMENT OF ENERGY
Assigned to: Judge Emmet G. Sullivan
Cause: 05:552 Freedom of Information Act

Date Filed: 08/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**CLARENCE E. BALDWIN**

represented by **CLARENCE E. BALDWIN**
2900 Saint Claire Drive
#403
Temple Hills, MD 20748
PRO SE

V.

Defendant**U.S. DEPARTMENT OF ENERGY**

represented by **Paul A. Mussenden**
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Date Filed	#	Docket Text
08/09/2018		Initiating Pleading & IFP Application Received on 08/09/2018. A copy of the docket sheet has been mailed to the address of record for the pro se party. (zsb) (Entered: 08/09/2018)
08/09/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF ENERGY filed by CLARENCE E. BALDWIN. (Attachment: # <u>1</u> Exhibit) (zsb) (Entered: 08/09/2018)
08/09/2018	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by CLARENCE E. BALDWIN (zsb) (Entered: 08/09/2018)
08/21/2018	<u>3</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. "Leave to file without prepayment of costs GRANTED". Signed by Judge Rudolph Contreras on 8/17/18. (zsth) (Entered: 08/23/2018)
08/21/2018		Case Reassigned to Judge Emmet G. Sullivan. Unassigned is no longer assigned to the case. (zsth) (Entered: 08/23/2018)

08/24/2018	<u>4</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 08/24/18. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 08/24/2018)
10/22/2018	<u>5</u>	Civil Statement from Plaintiff. (Attachments: # <u>1</u> Exhibit)(jf) (Entered: 10/24/2018)
10/25/2018		MINUTE ORDER. The Court received <u>5</u> plaintiff's "statement of material facts as to which there is no genuine issue," which is a filing that accompanies a motion for summary judgment. See <u>4</u> Standing Order. It does not appear that the Department of Energy has been served. The plaintiff is directed to serve the defendant and allow the defendant to respond before filing a dispositive motion. Serving the United States requires that a party (1) "deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office," Fed. R. Civ. P. 4(i)(1)(A)(i), (ii), and (2) "send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C." Fed. R. Civ. P. 4(i)(1)(B). "To serve a United States agency... a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency." Fed. R. Civ. P. 4(i)(2). A plaintiff must serve a defendant within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). The Clerk is directed to send a copy of this Minute Order to Mr. Baldwin's address of record by first-class mail, certified receipt. Signed by Judge Emmet G. Sullivan on 10/25/2018. (lcegs3) (Entered: 10/25/2018)
10/30/2018	<u>6</u>	SUMMONS (3) Issued as to U.S. DEPARTMENT OF ENERGY, U.S. Attorney and U.S. Attorney General (zmd) (Entered: 10/30/2018)
10/31/2018		MINUTE ORDER. The Court hereby VACATES its October 25, 2018 Order directing the plaintiff to serve the defendant. Because the Court granted Mr. Baldwin's motion to proceed in forma pauperis, the United States Marshal serves the defendant on the plaintiff's behalf. That notwithstanding, it is premature for Mr. Baldwin to file a "statement of material facts as to which there is no genuine issue" at this time, as the defendant has not yet been served. The Clerk is directed to send a copy of this Minute Order to Mr. Baldwin's address of record by first-class mail, certified receipt. Signed by Judge Emmet G. Sullivan on 10/31/2018. (lcegs3) (Entered: 10/31/2018)
10/31/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/31/2018. (jf) (Main Document 7 replaced on 11/13/2018) (zjf). Modified date of service on 11/13/2018 (znmw). (Entered: 11/01/2018)
11/01/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF ENERGY served on 10/31/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/31/2018. (Answer due for ALL FEDERAL DEFENDANTS by 11/30/2018.) (jf) (Entered: 11/05/2018)
11/21/2018	<u>9</u>	NOTICE of Appearance by Wyneva Johnson on behalf of All Defendants (Johnson, Wyneva) (Entered: 11/21/2018)
11/30/2018	<u>10</u>	ANSWER to Complaint by U.S. DEPARTMENT OF ENERGY.(Johnson, Wyneva) (Entered: 11/30/2018)
12/06/2018	<u>11</u>	ORDER directing the parties, by January 7, 2019, to meet, confer, and to propose a scheduling order fur further proceedings in this case. Signed by Judge Emmet G. Sullivan on 12/6/18. (ms) (Entered: 12/06/2018)
12/06/2018		Set/Reset Deadlines: Proposed Scheduling Order due by 1/7/2019. (mac) (Entered: 12/06/2018)
01/07/2019	<u>12</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/07/2019)

01/09/2019		MINUTE ORDER granting <u>12</u> unopposed motion to stay in light of lapse of appropriations. Defendant is directed to notify the Court when appropriations are restored or if a continuing resolution is enacted. Signed by Judge Emmet G. Sullivan on 1/9/2019. (lcegs3) (Entered: 01/09/2019)
02/08/2019	<u>13</u>	NOTICE of Restored Government Funding by U.S. DEPARTMENT OF ENERGY (Johnson, Wyneva) (Entered: 02/08/2019)
02/08/2019		MINUTE ORDER: On consideration of the <u>13</u> Notice filed by U.S. DEPARTMENT OF ENERGY, it is hereby ORDERED that the stay entered pursuant to the Court's January 9, 2019 minute order is LIFTED. It is further ORDERED that the parties shall meet, confer, and file a joint proposed scheduling order by March 8, 2019. Signed by Judge Emmet G. Sullivan on 2/8/19. (ms) (Entered: 02/08/2019)
03/07/2019	<u>14</u>	STATUS REPORT by U.S. DEPARTMENT OF ENERGY. (Johnson, Wyneva) (Entered: 03/07/2019)
04/22/2019	<u>15</u>	MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment on April 26, 2019</i> by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 04/22/2019)
04/24/2019		MINUTE ORDER: "Before filing any nondispositive motion in a civil action, counsel shall discuss the anticipated motion with opposing [non-incarcerated party appearing pro se] in a good-faith effort to determine whether there is any opposition to the relief sought." Local Civil Rule 7(m). Counsel states that she was "unable" to reach the plaintiff without stating what effort, if any, she made to consult the plaintiff prior to filing the motion. It is hereby ORDERED that Defendant's Motion for an Extension of Time <u>15</u> is denied without prejudice. Signed by Judge Emmet G. Sullivan on 4/24/19. (ms) (Entered: 04/24/2019)
04/26/2019	<u>16</u>	NOTICE to Court by U.S. DEPARTMENT OF ENERGY (Johnson, Wyneva) (Entered: 04/26/2019)
04/26/2019	<u>17</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration of Alexander C. Morris, with Exhibits, # <u>4</u> Exhibit A to Morris Decl., # <u>5</u> Exhibit B to Morris Decl., # <u>6</u> Exhibit C to Morris Decl., # <u>7</u> Exhibit D to Morris Decl., # <u>8</u> Exhibit E to Morris Decl., # <u>9</u> Exhibit F to Morris Decl., # <u>10</u> Supplement Vaughn Index, # <u>11</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 04/26/2019)
04/29/2019	<u>18</u>	VACATED PURSUANT TO MINUTE ORDER FILED 6/24/19.....Order advising plaintiff to respond by 5/29/2019 to <u>17</u> the MOTION for Summary Judgment filed by U.S. DEPARTMENT OF ENERGY. Signed by Judge Emmet G. Sullivan on 4/29/19. (ms) Modified on 6/27/2019 (znmw). (Entered: 04/29/2019)
04/29/2019		Set/Reset Deadlines: Plaintiff Response To <u>17</u> Motion For Summary Judgment due by 5/29/2019. (mac) (Entered: 04/29/2019)
06/20/2019	<u>19</u>	NOTICE of Amended Service by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Supplement ECF 17)(Johnson, Wyneva) (Entered: 06/20/2019)
06/24/2019	<u>20</u>	Order vacating <u>18</u> Fox/Neal Order and advising plaintiff to respond by 7/26/2019 to <u>17</u> Defendant's Motion for Summary Judgment. Signed by Judge Emmet G. Sullivan on 6/24/19. (ms) (Entered: 06/24/2019)
06/24/2019		Set/Reset Deadlines: Plaintiff Response to <u>17</u> Defendant's Motion For Summary Judgment due by 7/26/2019. (mac) (Entered: 06/24/2019)
06/24/2019		Set/Reset Deadlines: Plaintiff Cross Motion To Defendant's Summary Judgment due by 7/26/2019. (mac) (Entered: 06/24/2019)
08/01/2019	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul A. Mussenden on behalf of U.S. DEPARTMENT OF ENERGY Substituting for attorney Wyneva Johnson (Mussenden, Paul) (Entered: 08/01/2019)